

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**WILLIE FRANK KING, #29510-077.**

**Petitioner,**

**v.**

**REBECCA TAMEZ, Warden,**

**Respondent.**

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**3:11-CV-1227-D**

**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.


The court denies petitioner's motion to amend as futile.

Because petitioner filed his petition under 28 U.S.C. § 2241, he is not required to obtain a certificate of appealability to proceed on appeal. *See Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005) (per curiam). The court certifies, however, that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding and conclusion, the court adopts and incorporates by reference the order adopting the findings, conclusions, and recommendation of the magistrate judge. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on that order, the court finds and concludes that any appeal of this action would present no legal point of arguable

merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**SO ORDERED.**

September 21, 2011.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE